

EXHIBIT D

Fischer, Adam (USAPAW)

From: Fischer, Adam (USAPAW)
Sent: Friday, July 21, 2023 1:29 PM
To: Guy Donatelli
Cc: Teke.brown@[REDACTED]; Dojcak, Melissa (USAPAW)
Subject: Civil Investigative Demand No. 2023-24-WDPA (Charter Choices)
Attachments: Civil Investigative Demand No. 2023-24-WDPA.pdf

Mr. Donatelli –

To follow up on our prior correspondence and informal document requests to Charter Choices, please see the attached Civil Investigative Demand, which formalizes the United States' request for documents to Charter Choices.

When you're able, please confirm receipt of the attached and that you are able and willing to accept service of the Civil Investigative Demand on behalf of Charter Choices.

Thank you.

Adam B. Fischer
Assistant United States Attorney
United States Courthouse
700 Grant Street, Suite 4000
Pittsburgh, PA 15219
Direct: 412-894-7343
Cell: [REDACTED]



UNITED STATES OF AMERICA

U.S. Department of Justice
Western District of Pennsylvania
CIVIL INVESTIGATIVE DEMAND
Documentary Material

To: Charter Choices, Inc.
c/o Guy Donatelli, Esq.
Lamb McErlane, P.C.
24 E. Market Street
West Chester, PA 19382

CID No.: 2023-24-WDPA

USAO No.: 2022V00544

This Civil Investigative Demand is issued pursuant to the False Claims Act, 31 U.S.C. §§ 3729-3733, in the course of a False Claims Act investigation to determine whether there is or has been a violation of 31 U.S.C. § 3729. The False Claims Act investigation concerns allegations that Pennsylvania Coalition of Public Charter Schools made, or caused to be made, false claims to the Department of Education in connection with their application for a Federal Grant and award and administration of sub grants under that Federal Grant. This is the original of the Demand; no copies have been served on other parties.

YOU ARE COMMANDED to produce documentary materials: **See Attachment A.**

Date of Production:	Within 20 days of	Place of Production:	Office of the United States Attorney
	service of this		700 Grant Street, Suite 4000
	Demand		Pittsburgh, PA 15219

Special Instructions: The documentary materials and interrogatory answers may be mailed to **Assistant United States Attorney Adam Fischer, United States Attorney's Office, 700 Grant Street, Suite 4000, Pittsburgh, Pennsylvania 15219**. If you have any questions, you may contact **Mr. Fischer** at **(412) 894-7343**.

IN TESTIMONY WHEREOF

The undersigned official of the U.S. DEPARTMENT OF JUSTICE, has hereunto set his hand.

A handwritten signature in black ink, appearing to be "L. J. K.", is written over a horizontal line.

(SIGNATURE)

Issued under the authority of 31 U.S.C. § 3733

Failure to comply with the requirements of this subpoena will render you liable to proceedings in U.S. District Court to enforce the subpoena and to punish default or disobedience.

NAME, ADDRESS AND PHONE NUMBER OF ASSISTANT U.S. ATTORNEY

Adam Fischer
Assistant United States Attorney
700 Grant Street, Suite 4000
Pittsburgh, Pennsylvania 15219
(412) 894-7343

2023-24-WDPA

PROOF OF SERVICE

2022V00544

CID NO.

USAO NO.

SERVED (DATE)

PLACE OF SERVICE

SERVED ON (PRINT NAME)

MANNER OF SERVICE (PERSONAL DELIVERY OR
CERTIFIED/REGISTERED MAIL)

SERVED BY (PRINT NAME)

TITLE

DECLARATION OF SERVER

I, an employee of the United States working under the direction and supervision of the Assistant United States Attorney identified on the face of this document in connection with a False Claims Act investigation, certify that I served an executed copy of the civil investigative demand listed above. I declare under penalty of perjury under the laws of the United States of America that the forgoing information contained in this Proof of Service is true and correct.

Executed on

DATE

SIGNATURE OF SERVER

ADDRESS OF SERVER

ATTACHMENT A

CID No. 2023-24-WDPA

Definitions

1. **“Document(s)”** means all printed and electronically stored information as defined and interpreted under the Federal Rules of Civil Procedure, including but not limited to: minutes of meetings, instructions, directives, reports, drafts, notes, memoranda, correspondence, agreements, charts, graphs, manuals, calendars, journals, videotapes, audiotapes, data compilations, marketing materials, training materials, and materials stored in any data storage system, including electronic mail, electronic calendars, and electronic formats. “Document(s)” is also defined to require the production of documents, such as distribution lists, that identify persons (including their addresses and telephone numbers) who receive information relating to the subject matter set forth in the interrogatories and/or document requests. Each non-conforming copy of a document must be produced in addition to the original.
2. **“Including”** means including but not limited to.
3. **“Relating to”** means consisting of, referring to, reflecting, supporting, evidencing, prepared in connection with, used in preparation for, or being in any way legally, logically, or factually connected to the matter discussed.
4. **“Charter Choices”** shall mean Charter Choices, Inc., and all of its parent and/or subsidiary corporations, members, directors, officers, employees, and agents.
5. **“PCPCS”** shall mean the Pennsylvania Coalition of Public Charter Schools, and all of its parent and/or subsidiary corporations, members, directors, officers, employees, and agents.
6. **“CSP Grant”** shall mean the Charter Schools Program Grants to State Entities administered by the United States Department of Education, and awarded to PCPCS on or about September 30, 2020.
7. **“CSP Application”** shall mean the written application for the CSP Grant that PCPCS submitted to the United States Department of Education on or about May 12, 2020, as well as any and all amendments, addendums, exhibits, correspondence, and other supporting documents submitted in conjunction with said written application.
8. The singular and plural forms of any word shall be construed interchangeably so as to bring within the scope of this request any information which might otherwise be construed as outside its scope.
9. All present tenses of verbs or verb forms shall be considered to include within their meaning the future and past tenses so used, and vice versa.

Instructions

1. Except as otherwise provided in these instructions, this subpoena requires production of all documents and information in Your possession, custody, or control that are responsive to one or more of the requests set forth below. All responsive documents shall be produced to the maximum extent practicable in electronic format in accordance with the attached production specifications. Moreover, regardless of the format of production, all original documents must be made available to employees of this office and/or federal law enforcement agencies for inspection, upon request, during normal business hours, and the original documents must be produced if requested by this office.

2. Unless otherwise stated in any request, this subpoena relates only to the Relevant Time Period (i.e., the period from January 1, 2020 through the present) and calls for the production of all requested documents dated at any time during that time period, and shall include documents that relate to or affect such period, even though prepared or published before that period.

3. To the extent that documents responsive to this subpoena once were, but no longer are, in Your possession, custody, or control, this subpoena requires production of all indices, lists, or documents in Your possession, custody, or control that reflect any transfer or destruction of, or reference to, such documents.

4. Productions that include claims of privilege or confidentiality (resulting in documents, or portions of documents, being withheld) shall be accompanied by a Privilege Log that identifies the document(s) by Bates range and the basis for each claim of privilege. The Privilege Log shall be electronically produced in Excel or Word format, and for any document withheld on the ground of any claimed privilege shall include:

- a. The name and title of the author (and if different, the preparer and signatory);
- b. The name(s) and title(s) of the individual(s) to whom the document was addressed;
- c. The name(s) and title(s) of the individual(s) to whom the document or a copy of the document was sent or to whom the document or a copy, or any part thereof, was shown;
- d. The date of the document;
- e. The number of pages;
- f. A brief description of the subject matter;
- g. A statement of the specific basis on which the privilege is claimed; and

h. The request to which it is responsive.

5. When a requested document contains both privileged and non-privileged material, the non-privileged material must be disclosed to the fullest extent possible. If a privilege is asserted with regard to a part of the material contained in a document, the party claiming the privilege must clearly indicate the portions as to which the privilege is claimed. When a document is redacted or altered in any fashion, identify as to each document the reasons for the redaction or alteration, the date of the redaction or alteration, and the person performing the redaction or alteration. Any redaction must be clearly visible on the redacted document.

6. If no documents or other information exist that are responsive to a given request, a statement to that effect shall be provided at the time of production.

7. All documents produced pursuant to this subpoena are to be organized in such a manner that all documents relating to a particular request are: (a) provided in their original form together with any enclosures, attachments, appended notes (e.g., Post-Its), and file folder designations; and (b) grouped together and identified as being responsive to that request.

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Documentary Material Requests

You must make the requested Documents available to Assistant United States Attorney Adam Fischer, who has been designated as a False Claims Act custodian in this case.

These Documents shall be produced within 20 days of service of this request, at 700 Grant Street, Suite 4000, Pittsburgh, Pennsylvania 15219, or at another date and location to be mutually agreed upon by You and Assistant United States Attorney Adam Fischer, the False Claims Act custodian. The production of Documents in response to this Demand must be made under a declaration of compliance in the form printed in this Demand.

The general purpose for which this Civil Investigative Demand is issued is to discover documents relevant to the False Claims Act investigation into allegations that Pennsylvania Coalition of Public Charter Schools made, caused to be made, false claims to the Department of Education in connection a Federal Grant in awarding and administration of subgrants.

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Documentary Material Requests

1. All documents that Charter Choices and/or PCPCS distributed or disseminated in or around 2020, including any social media posts, online advertisements, letters, or emails, which promoted, solicited, advertised, and/or provided information regarding the Peer Review Team, and the opportunity to serve as a Peer Review Team member
2. All applications that Charter Choices received, reviewed, and/or maintained to participate in and/or be a member of the Peer Review Team, and any communications, conflict disclosures, or other supporting documents that were submitted in conjunction with any such applications.
3. All rubrics, templates, and/or forms that Charter Choices created and/or contributed to, and used to review, score, and/or analyze applications to serve on the Peer Review Team.
4. All documents, including any written analyses, memoranda, scorecards, and/or communications, commemorating or reflecting any review, scoring, or screening of Peer Review Team applicants.
5. All documents that Charter Choices and/or PCPCS distributed or disseminated in or around 2020, including any social media posts, online advertisements, letters, or emails, which promoted, solicited, advertised, and/or provided information regarding the CSP Grant, and the opportunity to obtain awards or sub-grants through the CSP Grant.
6. All applications that Charter Choices received, reviewed, and/or maintained for awards and/or sub-grants through the CSP Grant, and any communications, conflict disclosures, or other supporting documents that were submitted in conjunction with any such applications.
7. All rubrics, templates, and/or forms that Charter Choices created and/or contributed to, and used to review, score, and/or analyze applications for sub-grants under the CSP Grant.
8. All documents, including any of the Peer Review Team's analyses, memoranda, scorecards, and/or communications, commemorating or reflecting any review, scoring, or screening of the applications for sub-grants referenced in Request No. 6, above.
9. All requests for payment, including any timesheets or other supporting documents related to any such requests, that Charter Choices submitted to PCPCS for its work under, on, or related to the CSP Grant or CSP Application.
10. Any contract or services agreement between Charter Choices and PCPCS regarding or related to the CSP Grant or CSP Application.

11. Any communications or other documents regarding or related to the appointment or selection of Abigail Dubinchik to serve as Co-Director of the CSP Grant.

12. Any communications or other documents regarding or related to the decision to remove Abigail Dubinchik as a Co-Director of the CSP Grant.

13. All budgets and/or financial statements reflecting the projected or actual use of CSP Grant funds.

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Declaration of Compliance
(Documentary Material)

I have responsibility for producing the information and documentary material required by **Civil Investigative Demand No. 2023-24-WDPA**. I hereby certify that all the information and documentary material required by the Civil Investigative Demand and in the possession, custody, or control of Charter Choice, Inc. has been produced and made available to the false claims law investigator or custodian identified in the Demand.

If any such information or material has not been produced because of a lawful objection, the objection to the document request and the reasons for the objection have been stated.

I declare under penalty of perjury under the laws of the United States of America (28 U.S.C. § 1746) that the foregoing is true and correct.

Executed on _____
Date Signature _____
Title _____